

REMARKS

This amendment is in response to an Office Action mailed March 19, 2003. In the Office Action, claims 10, 26, 27 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Janku (U.S. Patent No. 4,902,881). Moreover, claims 20-25, 28-31 and 33-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Janku. Applicants respectfully disagree with the rejection because a prima facie case of anticipation and obviousness has not been made.

Herein, claims 10, 23-25, 27, 29, 31, 33 have been revised. Claims 20-22, 28 and 32 have been cancelled without prejudice. Claims 37 and 38 have been added.

Claims 10, 26, 27 and 32 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Janku. Applicant respectfully submits that a *prima facie* case of anticipation has not been established because Janku fails to teach each element of these newly revised independent claims 10, 29 and 33. “A claim is anticipated *only if each and every element as set forth in the claim is found, either expressly or inherently described*, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (Emphasis added).

Claims 20-25, 28-31 and 33-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Janku. However, Janku does not teach or even suggest a vending machine and/or electrically powered devices of the vending machine as claimed. The communication terminal of Janku is not a vending machine. Such interpretation indicates the inadvertent, and impermissible, use of hindsight reconstruction. Moreover, the electrically powered devices include, but is not limited or restricted to a motor rotating a coil to dispense an item as now claimed. There is no suggestion in Janku, either explicitly or inherently, for controlling power supplied to a motor to control rotation of a coil attached thereto.

In light of the foregoing, Applicant respectfully requests reconsideration of the claims as pending.

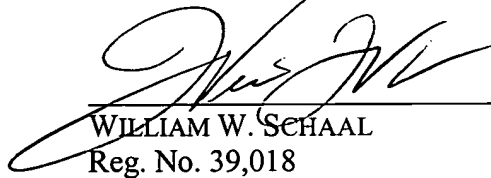
CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that all pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on June 19, 2003.



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6/19/03
Date